



STATE OF MONTANA DEPARTMENT OF REVENUE JOB PROFILE

Working Title

Paralegal Specialist V – Bankruptcy

Job Code Title

Paralegal Legal Assistant V

Pay Band

06

Job Code Number

232116

Director's Office

Legal Services Office
Litigation Unit

Fair Labor Standards Act

Non-Exempt

The Montana Department of Revenue administers more than 30 state taxes and fees; establishes values for taxable property, including agricultural land, residential real estate, commercial real estate, forest land, business equipment, railroads and public utilities; supervises the operation of the state liquor stores and agencies and administers the laws governing the sale, taxation, and licensing of alcoholic beverages; and returns unclaimed property to its rightful owners.

The Director's Office supports the agency's Director and is composed of five work units: Legal Services Office; Office of Tax Policy and Research; Office of Human Resources and Organizational Development; Office of Taxpayer Assistance; and the Executive Office. The Legal Services Office provides complete legal services to all divisions and the director's Office, representing the Department of Revenue and the State of Montana before administrative boards and in state and federal courts in all litigation involving Montana taxes and liquor laws. The office also handles all administrative rule, disclosure, and dispute resolution matters for the department. The Legal Services Office is comprised of the Litigation Unit, the Regulatory Unit, and the Office of Dispute Resolution.

Job Responsibilities

The Bankruptcy Paralegal Specialist coordinates and manages the bankruptcy program for the department. This includes independent paralegal work involving statutory and case law research, rule and policy development, legal analysis and planning, and pre-trial or hearing preparation. The incumbent participates in legal proceedings as member of a team that may consist of attorneys and other paralegals, expert witnesses, and clients. The position reports to the Litigation Unit Management Officer and leads other paralegals involved in bankruptcy cases.

• Legal Investigations and Policy Development 45%

1. Researches, documents, and analyzes current trends in case law, federal and state statutes, and rules and regulations. Evaluates the probable effects on the operation of the bankruptcy program. Provides information and recommendations on related policies.
2. Conducts substantial in-depth analyses and evaluations of legal issues in order to create legal opinions, summaries, and documents for applications having no precedent or guidelines. Researches and analyzes various sources of information such as federal and state statutes, court decisions, codes, rules, regulations, and other relevant public records through manual and electronic research methods. Researches legislative histories to determine legislative intent in interpreting statutes.

3. Performs extensive investigations into bankruptcy filings to determine if the entity owes taxes to Montana and to locate attachable assets to satisfy tax claims. This involves researching multiple databases. May require cross-referencing information obtained from sources outside of the department to locate records of unreported income subject to taxation, as well as working extensively in the department's tax database system on bankruptcy accounts. This position is responsible for the most complex bankruptcy cases.
 4. Analyzes and evaluates legal pleadings, documents, and correspondence in complex bankruptcy cases to ensure all applicable statutory and court requirements are met. This involves analysis of federal and state Rules of Civil Procedure and judicial policies relative to the circumstances of individual cases.
 5. Develops detailed case analyses and formulates case strategies and research plans for specific cases. Develops strategies for discovery, negotiation, settlement, and litigation based upon applicable theories of law and available remedies.
 6. Summarizes research results including sources, findings, cross-references, citations, and other relevant components and compiles and composes appropriate legal documents. Provides legal memoranda to attorneys regarding facts, legal issues, applicable rules, analyses, and recommendations as requested.
 7. Evaluates cases, research requests, policy initiatives, agency and client counsel obligations, and other work requests to plan and allocate workload among legal staff. Coordinates work allocations according to priorities, staff competencies, and statutory timelines.
- **Hearings and Examinations 45%**
 1. Drafts legal pleadings, reports, correspondence, and other documents for hearings or examinations. Ensures that documents comply with formatting and style requirements. Ensures that filing deadlines are met.
 2. Drafts discovery documents such as interrogatories and requests for production. Determines relevant information necessary to establish key facts and the questions that will elicit these facts from the debtor. Responds to discovery requests by gathering requested documents and identifying factual information from the case to provide knowledgeable and accurate responses. Confidential work products must be distinguished from discoverable information.
 3. Prepares exhibits and other documents for hearings. Evaluates the adequacy of the case file documentation, organizes the products of discovery, evaluates the impact on the agency's position, and compiles the information into trial notebooks. May consult with the attorney to determine whether the actions taken are defensible and warrant further action through the legal process.
 4. Prepares witnesses for bankruptcy hearings by reviewing exhibits and potential questions. May be a witness in these proceedings for the department.
 5. Attends taxpayer examinations as a member of the unit's legal team or independently to question individuals on issues of legal interest.
 6. Works with the attorney in preparing legal strategies for cases. Analyzes each case and discusses legal concerns and possible approaches such as settlement, request for summary judgment, or further pursuit of the case through the judicial process.
 - **Lead Worker 5%**
 1. Provides lead worker oversight to other paralegal staff within the office. Reviews and revises staff work plans, priorities, and procedures. Monitors progress, disseminates data, and coordinates projects through meetings and consultations.
 2. Plans and assigns work and reviews for compliance with quality, quantity, and other standards.
 3. Evaluates workflow processes, efficiencies, and problems to identify the most effective use of staff and material resources to meet work unit goals and project objectives. Presents recommendations for improving workflow and performance.

4. Provides input to the supervisor on position descriptions and performance standards. Relays information regarding staff performance based on observable, measurable appraisal standards. Recommends corrective actions, implements corrective actions, and monitors and provides feedback on outcomes.
5. Participates in recruitment and selection by assisting with applicant screening, developing interview questions, preparing written tests, participating in interviews, and recommending hiring.

- **Other Duties as Assigned 5%**

1. Performs other duties as assigned by the supervisor.

Job Requirements

To perform successfully as a litigation paralegal specialist, the incumbent must be self-motivated; possess a strong work ethic; maintain a positive attitude; and enjoy working with, and for, the public. Skills in multi-tasking; paying attention to details and accuracy; accountability; managing multiple priorities under tight deadlines; providing timely and effective written, verbal, and interpersonal communication; customer service; conflict resolution; following written and oral directions and instructions; and word processing, spreadsheet, database, and specialized legal software applications are required. Also requires skills in compiling, organizing, and managing information; investigative report writing; project and case management; and conducting both manual and electronic legal research. The incumbent is required to act professionally in difficult settings; analyze situations, and make decisions. This position works with highly confidential financial and tax information and is required to maintain the highest level of confidentiality regarding all information acquired or used in performing this job.

This position requires knowledge of case management practices; federal Rules of Civil Procedure; Montana Rules of Civil Procedure; administrative and court rules; State Tax Appeal Board procedures; administrative rules; legal and technical research standards and procedures; statutes and legislative histories; legal and technical research standards and procedures; a wide range of internal, external, online, and printed sources; case management database systems; and law office management software; and department operations. It also requires in-depth knowledge of court systems and the life of litigation and fluency in using legal research databases such as Lexis and Westlaw.

- The minimum level of education and job-related work experience needed as a new employee **on the first day** of work is a two-year degree in paralegal studies and four years of job-related work experience.
 - Work experience should be made up of legal research, investigation, and litigation support experience including one year of specialized experience in a designated legal area (bankruptcy, disclosure, dispute resolution, rules and policies, etc.). GenTax experience is desirable.
 - Other combinations of education and experience will be evaluated on an individual basis.

Department Core Values

- **Respect:** As a representative of the people of Montana, proceeds with the highest level of respect for the dignity of every person contacted through work. Without exception, all people are treated as equally as possible. The employee is a faithful steward of the resources provided to this agency by the citizens of Montana.
- **Integrity:** Conducts work honestly and makes decisions that establish a clear record that the department serves the public with integrity. Apologizes for mistakes and gives credit to others for their cooperation, work, and ideas in achieving positive results. Accountable for their actions and holds others accountable for theirs. Decisions and judgments achieve equity and justice for all parties involved including citizens and co-workers.
- **Productivity:** Consistently strives to minimize the waste of the department's financial, facilities, and human resources. Diligently works to improve the productivity and effectiveness of the work unit. Welcomes and encourages new ideas on improving the results of the department from the public, other officials, colleagues, and supervisors. Approaches work in a manner that builds goodwill, trust, and cooperation internally with other staff and externally with the public.

- **Teamwork:** Maximizes cooperation and teamwork when working with other employees, divisions, and other state agencies. Willing to work with others for the opportunity to learn from their ideas, talents, and knowledge. Seeks to resolve conflicts with other employees and work units in an open and respectful manner that reinforces teamwork. Celebrates the successes of others.

Working Conditions

Must work under time constraints, be able to maintain numerous projects at one time, and determine priorities on a daily basis. At times, the incumbent will deal with angry, hostile, and difficult. This may cause stressful work conditions and a high degree of mental stress. As a Department of Revenue employee, the incumbent may come into contact with highly confidential financial and tax information and is required to maintain the highest level of confidentiality regarding all information acquired or used in performing this job. This position requires considerable computer and keyboard use. The incumbent may spend considerable time on the phone. Work hours may exceed 40 hours per week from time to time. This job requires significant travel in and out of the state, which requires a valid Montana driver's license. Lifting is infrequent, less than 15 pounds and includes carrying light items such as papers and books and carrying larger items such as boxes of files when preparing for or attending court cases. This job requires regular attendance as scheduled by the supervisor. This job cannot be performed at an alternate work site.

Special requirements

- **Background Examination:** Applicants for this position will be subject to a criminal background review before being considered for employment. Individual circumstances involving a criminal conviction will be reviewed to determine an applicant's eligibility for employment.
- **Compliance with All Appropriate Montana Tax Laws:** An employee's tax status must be current.

This job profile was produced by the Office of Human Resources in conjunction with the appropriate managers.

Division Administrator Review: The statements in this job profile are accurate and complete.

Signature: C.A. Daw, Chief Legal Counsel Date: August 2010

Human Resource Director Review: The Office of Human Resources has reviewed this job profile.

Signature: JeanAnn Scheuer, Human Resources Director Date: August 2010

Employee: My signature below indicates I have read this job profile and discussed it with my supervisor.

Signature: _____ Date: _____

Name (print): _____